

Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 59 FR 42066, August 16, 1994), is amended to reflect the reorganization of the Office of the Director, NIH (OD/NIH) (HNA). This reorganization is consistent with Administration objectives related to the National Performance Review (NPR) and the Continuous Improvement Program (CIP)—specifically, the streamlining, layering, and decreasing the ratio of supervisors to employees in accordance with effective management practices. The reorganization consists of the following: (1) Abolish the Office of Management (HNA9); (2) realign the Standard Administrative Code (SAC) of the (a) Office of Administration from (HNA92) to (HNAB); (b) Office of Financial Management from (HNA96) to (HNAJ); (c) Office of Human Resource Management from (HNA97) to (HNAK); and (d) Office of Research Services (ORS) from (HNA93) to (HNAL); and (3) revise the ORS functional statement.

*Section HN-B, Organization and Functions*, is amended as follows:

(1) Under the heading *Office of Management (HNA9)*, delete the title and functional statement in their entirety.

(2) Under the heading *Office of Administration (HNA92)*, change the Standard Administrative Code to (HNAB).

(3) Under the heading *Office of Financial Management (HNA96)*, change the Standard Administrative Code to (HNAJ).

(4) Under the heading *Office of Human Resource Management (HNA97)*, change the Standard Administrative Code to (HNAK).

(5) Under the heading *Office of Research Services (HNA93)*, (a) change the Standard Administrative Code to (HNAL); and (b) substitute "NIH Director" for the present reference to "Deputy Director for Management" in the functional statement.

#### **Delegations of Authority Statement**

All delegations and redelegations of authority to offices and employees of

the NIH which were in effect immediately prior to the effective date of this reorganization will be continued in effect in them or their successors, pending further redelegation, provided they are consistent with this reorganization.

Dated: January 23, 1995.

**Donna E. Shalala,**

*Secretary.*

[FR Doc. 95-2270 Filed 1-30-95; 8:45 am]

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#### **Social Security Administration**

##### **Revised Redelegations of Authorities for Disposition of Supplemental Security Income Overpayments**

Section 1631(b) of the Social Security Act (the Act), provides the Secretary of Health and Human Services (the Secretary) with authority to approve or deny waiver of adjustment or recovery of those Supplemental Security Income (SSI) benefit payments made under the provision of title XVI of the Act found to be incorrect. This applies to situations where the overpaid individual is without fault and recovery of the overpayment would defeat the purposes of title XVI, or would be against equity and good conscience, or would, because of the small amount involved, impede efficient or effective administration of title XVI. The Secretary has delegated her authority under section 1631(b) of the Act to the Commissioner of Social Security (the Commissioner), with authority to redelegate (38 FR 15648, dated June 14, 1973).

Under 31 U.S.C. 3711, the Secretary, or her designee, is authorized to compromise, suspend or terminate collection action on certain debts owed to the Department of Health and Human Services (HHS). To take such action, appropriate HHS regulations must be promulgated in accordance with standards provided in Joint Regulations of the Department of Justice (DOJ) and the General Accounting Office (4 CFR parts 101-105). Such regulations for HHS are published in the Code of

Federal Regulations at 45 CFR Part 30. The Secretary's authority is restricted to those debt claims which involve compromise, suspension or termination of collection action regarding amounts of \$100,000 or less, exclusive of interest. In addition, the Secretary's authority does not apply to cases involving fraud, presentation of a false claim, misrepresentation on the part of the debtor or any other party having an interest in the claim, or conduct in violation of antitrust laws.

Claims which cannot be collected, suspended, compromised or terminated, or which amount to more than \$100,000, exclusive of interest, are referred to DOJ for disposition. Cases involving fraud, false claims, misrepresentation, or violation of antitrust laws are also handled by DOJ.

The Secretary has delegated her authority under 31 U.S.C. 3711 to the Commissioner, with authority to redelegate (33 FR 5836 and 5843, dated April 16, 1968), insofar as that authority relates to the mission of the Social Security Administration (SSA).

The above authorities to approve or deny waiver of adjustment or recovery of SSI overpayments, and to compromise, suspend or terminate collection action on these overpayments, were redelegated by the Commissioner to other SSA positions on November 29, 1988. These redelegations were effective upon publication in the **Federal Register**, which occurred on December 14, 1988 (53 FR 50300-50301). Notice is hereby given that the Commissioner has approved revised redelegations of these authorities, as follows:

#### **Authorities**

1. Authority to approve or deny waiver of adjustment or recovery of incorrect SSI benefit payments, under section 1631(b) of the Act.

2. Authority to compromise, suspend or terminate collection action on debts owed to SSA as a result of SSI overpayments.

Delegates	Scope of authority
<ul style="list-style-type: none"> <li>a. Deputy Commissioner for Operations.</li> <li>b. Deputy Commissioner for Programs.</li> <li>c. Associate Commissioner and Deputy Associate Commissioner for Retirement and Survivors Insurance and Supplemental Security Income Policy.</li> <li>d. Regional Commissioners and Deputy Regional Commissioners.</li> <li>e. Assistant Regional Commissioners and Deputy Assistant Regional Commissioners for Program Operations and Systems.</li> <li>f. District Managers, Assistant District Managers, Branch Managers, Resident Representatives, Operations Supervisors, Claims Representatives, Field Representatives, Service Representatives and Service Representative/Data Review Technicians.</li> <li>g. Teleservice Representatives in Teleservice Centers.</li> <li>h. Debt Specialists and Chiefs, Debt Management Sections, Program Service Centers.</li> <li>i. All positions in the direct line of management above the positions specified in items f., g. and h. above.</li> </ul>	<p>a.-i. The incumbents of these positions may exercise authorities 1. and 2. on SSI overpayment cases within the jurisdiction of their respective components, to the extent permitted by their particular functional responsibilities, as specified in their position descriptions or other pertinent issuances.</p>

### Conditions

(1) Further redelegations are not authorized.

(2) These redelegations do not apply to the handling of any debt claim where there is an indication of fraud, the presentation of a false claim, misrepresentation on the part of the debtor or any other party having an interest in the claim, or conduct in violation of antitrust laws. Such cases are handled by DOJ.

(3) Decisions to compromise, suspend or terminate collection efforts on cases involving amounts exceeding \$20,000 up to \$100,000, exclusive of interest, are made by the Commissioner, the Deputy Commissioner for Operations or the Assistant Regional Commissioners for Program Operations and Systems, while those over \$100,000 are made by DOJ.

(4) These redelegations must be exercised in accordance with all pertinent provisions of law, regulations, policies, procedures, operating instructions and other requirements.

The above revised redelegations are effective on the date they are published in the **Federal Register** and replace those previous redelegations approved by the Commissioner on November 29, 1988 and published in the **Federal Register** on December 14, 1988 (53 FR 50300-50301). I affirm and ratify any actions by the above delegates which may constitute the exercise of any of the subject authorities before the date these revised redelegations are published in the **Federal Register**.

**Shirley S. Chater,**

*Commissioner of Social Security.*

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### Published Social Security Acquiescence Rulings

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Notice of published Social Security acquiescence rulings.

**SUMMARY:** Social Security Acquiescence Rulings (ARs) explain the manner in which the Social Security Administration (SSA) applies holdings of the United States Courts of Appeals that conflict with SSA's interpretation of a provision of the Social Security Act (the Act) or regulations when adjudicating claims under title II and title XVI of the Act and part B of the Black Lung Benefits Act. This notice lists ARs and rescissions of ARs that were published in the **Federal Register** from January 11, 1990, through December 31, 1994. The purpose of this notice is to assist individuals in finding ARs.

**FOR FURTHER INFORMATION CONTACT:** Gary Sargent, Litigation Staff, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, (410) 965-1695.

**SUPPLEMENTARY INFORMATION:** Even though we are not required to do so pursuant to 5 U.S.C. 552(a)(1) and (a)(2), SSA's regulations were amended on January 11, 1990, to provide that ARs are to be published in their entirety in the **Federal Register** under authority of the Commissioner of Social Security (20 CFR 422.406(b)(2)). An AR explains how SSA will apply a holding of a United States Court of Appeals that is at variance with SSA's interpretation of the Act or regulations in adjudicating claims under title II and title XVI of the Act and part B of the Black Lung Benefits Act.

Although regulations and ARs are published in the **Federal Register**, only the regulations are subsequently

published in the Code of Federal Regulations (CFR). The CFR is a codification of the general and permanent rules published in the **Federal Register** by the Executive departments and agencies of the Federal Government. Consequently, the CFR may not state the circuitwide standard in effect when we have determined that the holding in a decision of a United States Court of Appeals is at variance with our national interpretation. Therefore, we are publishing this listing to assist individuals who need to reference ARs in effect as a result of holdings of the United States Courts of Appeals.

If an AR is later rescinded as obsolete, we will publish a notice in the **Federal Register** to that effect, as provided for in 20 CFR 404.985(e), 410.670c(e), or 416.1485(e). If we decide to relitigate an issue covered by an AR, as provided for by 20 CFR 404.985(c), 410.670c(c), or 416.1485(c), we will publish a notice in the **Federal Register** stating that we will apply our interpretation and not the standard expressed in the AR, and explain why we have decided to relitigate the issue. In either of these situations, we will include the information in notices of published ARs such as this one.

This notice contains a listing of all ARs published under the requirements of 20 CFR 422.406(b)(2) during the period January 11, 1990, through December 31, 1994. The listing includes the AR number, title, publication date and the **Federal Register** reference number. This notice also lists ARs which were rescinded during this period. We anticipate publishing a notice each year that will list similar information.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802 Social Security-Disability Insurance; 93.803 Social Security-Retirement Insurance; 93.805 Social Security-